

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NICOLE SCHARA,	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 20-423JJM
	:	
TLIC WORLDWIDE, INC.,	:	
Defendant.	:	

ORDER

The Court has now carefully reviewed Defendant’s motion for protective order (ECF No. 17) and Plaintiff’s opposition thereto (ECF No. 19). The motion was filed because, on the day the Court’s first Calendar Call had concluded (March 23, 2022), Plaintiff noticed a deposition of Defendant corporation seeking testimony regarding Plaintiff’s “allegations of sexual harassment and discrimination on the basis of sex perpetrated by the Defendant’s principal and others.” ECF No. 19-1 at 2. This notice was sent five months after the close of fact discovery on October 25, 2021. It was sent as the case is on the brink of trial and had been referred to court-annexed mediation. It was simply sent – that is, Plaintiff has never asked the Court for leave to extend or to reopen discovery. Rather, it appears that Plaintiff simply ignored the Court’s Pretrial Order. Text Order of July 27, 2021. Defendant persuasively argues that to reopen fact discovery at this late stage (particularly through the vehicle of a deposition of the entity, which requires careful and time-consuming preparation) would be prejudicial and burdensome. In opposition to the motion, Plaintiff has presented nothing amounting to excusable neglect or good cause to explain the lengthy delay or to justify her disregard of the Court’s Pretrial Order. Instead, she vaguely points to the Covid pandemic (in disregard of the Court’s General Order of May 22, 2020, which directed that “depositions in all civil cases in this district shall be conducted by remote video” if necessary during the pandemic) and argues that the Court’s Pretrial Order is “technical” so that

to schedule a deposition in disregard of it “is not unreasonable.” ECF No. 19-1 at 3, 4. Based on the foregoing, the Court finds that Defendant has sustained its burden of demonstrating good cause for seeking protection from a prejudicial reopening of fact discovery in contravention of the Pretrial Order; therefore, the motion for protective order is GRANTED. Further, finding that oral argument on this motion is not necessary, the hearing scheduled for April 22, 2022, is hereby canceled.

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
April 19, 2022